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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/921,285

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Richard Cerami

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03/10/2005

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,285

Applicant(s)

CERAMI ET AL.

Examiner

Shawki S Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08-01-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-14 are presented for examination.

Applicant's claim for priority is acknowledged.

References in applicant's IDS form 1449 have been considered.

### *Specification*

2. The application contains numerous related applications (see pages 1), which contains missing information such as serial numbers. Applicant is requested to update the status of the related applications.

### *Claim Rejections - 35 USC §102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 7, 8, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Feibelman et al.**, (Feibelman) U.S Patent No. **6,499,017**.

5. As to claim 1, Feibelman teaches a method for activating service in a VDSL-based broadband communication network, the network comprising a plurality of loops where each loop includes a source terminus and a destination terminus, wherein each of the source termini are coupled to a computer system, wherein the computer system is coupled to a database having a data structure to store data, the method comprising:

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associating a user to content subscribed by the user (col. 4 line 62 – col. 5, line 7);

assigning at least one of the plurality of loops to the user (col. 4, lines 10-23);

coupling a user device to the destination terminus of the at least one loop (col. 3, lines 42-58);

determining a path associated with the coupled user device (col. 3, lines 16-30);

and

matching the path with the content subscribed by the user (col. 4, lines 10-23).

6. As to claim 2, Feibelman teaches the method of claim 1, further comprising providing subscribed content via the at least one loop to the user device substantially upon matching the path with the subscribed content (col. 4, lines 10-23).

7. As to claim 3, Feibelman teaches the method of claim 1, wherein associating the user comprises storing content information in the database, where the content information is data representing a user's subscribed content (col. 3, lines 59-64).

8. As to claim 4, Feibelman teaches the method of claim 3 wherein the subscribed content is video (col. 1, lines 22-37).

9. As to claim 5, Feibelman teaches the method of claim 1, wherein assigning the at least one loop comprises storing transport information in the database, where the transport information is data representing at least one of the plurality of loops (col. 4, lines 1-9).

10. As to claim 7, Feibelman teaches the method of claim 5, wherein the transport information includes a port identifier associated with a port or a card identifier associated with a card (col. 3, lines 42-58).

11. As to claim 8, Feibelman teaches the method of claim 1, wherein coupling a user device further comprises coupling a customer premises equipment to the destination terminus of the at least one loop (col. 3, lines 42-58).

12. As to claim 11, Feibelman teaches the method of claim 1, wherein determining the path includes determining a Media Access Control Identifier (MAC ID) (col.4, lines 10-23).

13. As to claim 12, Feibelman teaches the method of claim 1, wherein determining the path includes further determining a user device type associated with the user device (col.4, lines 10-23).

14. As to claim 13, Feibelman teaches the method of claim 1, wherein matching the path comprises:

associating the path with the at least one loop (col. 4 line 62 – col. 5, line 7);

identifying the user assigned to the at least one loop (col. 4, lines 10-23); and

retrieving content subscribed by the user from the content database to provide to the user via a VDSL loop (col.4, lines 10-23).

15. As to claim 14, it contains similar limitation as in claim 1-13 above, therefore, it rejected under the same rationale.

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feibelman et al.**, (Feibelman) U.S Patent No. **6,499,017**.

18. As to claim 6 and 10, Feibelman teaches the method of claim 5 as discussed above. Feibelman does not explicitly teach wherein-wherein the transport is configured to operate in accordance with asynchronous transfer mode (ATM) based protocol.

It would have been obvious to one of ordinary skill in the art at the time of the applicants invention to incorporate the use of ATM into the invention of Feibelman to make the system more efficient. ATMs use of a 53-byte header and it's transfer rates ranging from 1.5 Mbps to 622 Mbps and its versatility in being compatible with many network devices/peripherals makes it an attractive choice for provisioning communication devices.

19. As to claim 9, Feibelman teaches the method of claim 8 as discussed above. Feibelman does not explicitly teach wherein the customer premises equipment is a residential gateway.

It would have been obvious to one of ordinary skill in art at the time of the applicants invention to include a residential gateway to make the system more compatible. A gateway both transfers information and converts it to a compatible format with respect to the protocols being used. Furthermore, the residential gateway can connect different networks using different protocols enabling better communication.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
March 7, 2005



**HOSAIN ALAM**  
SUPERVISORY PATENT EXAMINER